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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Copies of a Correspondence, &c.

UPON THE SUBJECT OF

The Capture and Detention, by British Armed Vessels,

OF

AMERICAN FISHERMEN,

DURING THE LAST SEASON.

FEBRUARY 18, 1825.

Read, and referred to the Committee of Foreign Relations.

WASHINGTON:

PRINTED BY GALES & SEATON.

1825.

DEPARTMENT OF STATE,

Washington, Feb. 16, 1825.

The Secretary of State, to whom has been referred a resolution of the House of Representatives, of the 1st instant, requesting the President of the United States to cause to be laid before it such information as might be in his possession, and which, in his opinion, it would be proper to communicate, touching the capture and detention of American Fishermen, the last season, in the Bay of Fundy, and what progress has been made in obtaining redress; has the honor, respectfully, to submit to the President, copies of the letters and documents in this Office, which contain the information called for by the resolution referred to.

JOHN QUINCY ADAMS.

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Protest, Jones Wass and John Wright, in case of "Rebecca," schooner. Copy.

Mr. Brent to Mr. Addington, dated

September 8th, 1824.

SIR: I have the honor to transmit to you three memorials from sundry citizens of the United States, belonging to the state of Maine, accompanied by seven protests and affidavits, which exhibit the nature and extent of the facts referred to by the memorialists, complaining of the interruption which they have experienced during the present season, in their accustomed and lawful employment, of taking and curing fish in the Bay of Fundy, and upon the Grand Banks, by the British armed brig Dotterel, commanded by Captain Hoar, and another vessel, a provincial cutter of New Brunswick, acting under the orders of that officer; and earnestly soliciting the interposition of this Government, to procure for them suitable redress. With this view, I was charged by the Secretary, before his late departure from this city, to communicate to you the above papers, and to request your good offices towards obtaining for the sufferers the indemnity to which they appear to be so well entitled, not only from the peculiar nature and extent of the injuries and losses of which they complain, proved and illustrated as they are, by the series of protests and depositions accompanying their memorials, but from the serious violation of the rights and liberties of the citizens of the United States which they involve, in the use of the same fisheries; and I have the honor, accordingly, to request that you will have the goodness to make such representations to the commanding officer of the naval forces of your Government on that station, or to the Colonial Government of New Brunswick, as may be available, not only for the relief of the memorialists, but for the prevention of similar interruption. in futures

I have the honor to be, with distinguished consideration, sir,

Your obedient and very humble servant,

DANIEL BRENT.

ENCLOSURES.

Memorial of Aaron Hayden, Kilby, and others, 27th of July, 1824.
Do. of J. G. Faxon.
Do. of Aaron Hayden, John Burgin, and others.

To the Hon. JOHN QUINCY ADAMS,

Secretary of State for the United States.

The memorial of the undersigned, merchants and ship owners, residing at Eastport, in the county of Washington and state of Maine, RESPECTFULLY REPRESENTS:

That your memorialists, during the present year, have invested a larger amount of property in vessels than they have heretofore done, for the purpose of carrying on the business of fishing; that the industry and enterprise of our seamen have been unusually directed to the employment of taking and curing fish, under the encouraging and beneficial laws of their country; and that, without interruption from a foreign power, their labors would have been crowned with success, and they would have enjoyed the fruits of their toil.

But your memorialists have to regret the necessity which compels them to state to the Hon. Secretary their grievances, and requires of them to seek redress, through him, for the many acts of violence and injustice which have been committed by his Britanic Majesty's brig Dotterel, commanded by Capt. Hoar, in total disregard, and in violation, of the subsisting treaty between the two governments. Your memorialists, premising that the American fishermen in the Bay of Fundy, for these two or three years last past, have been interrupted and taken by British armed vessels, while fishing agreably to the provisions of the treaty, beg leave respectfully to state, that, during the present year, the British armed brig Dotterel has captured nine sail of fishing vessels, and sent some of them into the province of New-Brunswick for adjudication, while others have been converted into tenders, without trial, for the purpose of better molesting our fishermen. They have insulted and abused the crews, turned them on shore in a foreign country, entirely destitute, and without the means of returning to their homes, and have said, repeatedly, that they would take American fishermen wherever they were to be found, and without regard to the treaty.

That the brig's barge has come into the wharf at Eastport, and taken and carried away two boats laden with flour.

That the American fishermen have been so molested on the fishing ground in the Bay of Fundy, common to both countries, that they dare not again attempt to avail themselves of the rights and privileges secured to them by treaty, and which are well defined and well understood by every fisherman; and, inasmuch as they are debarred the privilege of making a harbor, for the purposes of shelter, and purchase wood, and procure water, it operates as a deprivation of a great and important benefit, which they feel that they have a right to enjoy without interruption.

That, unless something be done for the protection of our fishermen, your memorialists believe that many vessels of this and the neighboring states will be captured or thrown out of employ, with great injury to private interest, and not without an infringement of public rights.

Referring the Hon. Secretary, therefore, to the annexed affidavits of the masters of three of the captured vessels, and holding ourselves

responsible for the truth of the above allegations, your memorialists respectfully request that some prompt and efficient measures may be adopted by our Government, to protect us in our rights and pursuits, and that our fishermen may not be molested, nor our shores invaded with impunity by the subjects of any foreign power.

Aaron Hayden,	John Davis,
John Burgin,	Bucknam & Gunnison,
Samuel Wheeler,	Daniel Kilty,
George Hobbs,	Samuel Starns,
Elijah D. Green,	O. S. Livermore,
Joseph C. Noyes,	Edward Baker,
N. F. Deering,	G. Lamprey,
H. T. Emery,	Benjamin B. Leavitt,
Lorenzo Sabing,	James M. Lincoln.
Jonathan Buck,	John T. Jones,
Ezekiel Prince,	Nathan Bucknam,
Isaac Hobbs,	Thomas Green.
John Webster,	Benjamin Bucknam,
Edward Ilsley,	John Shaw,
John Norton,	Caleb Chace,
Charles Brooks,	W. Eustis,
Jerry Bunain,	William M. Brooks.
Abel Stephens,	

July 27, 1824.

EASTPORT, *July 27th*, 1824.

I, Robert Small, master of the schooner Reindeer, of Lubec, do testify, declare, and say, that I sailed from Lubec, in the state of Maine, in the above schooner, on the 22d day of July, 1824, on a fishing voyage in the Bay of Fundy. On Sunday the 25th July, finding our water very bad, went into a harbor in an uninhabited place called "Two Islands," near Grand Menan, for the purpose of procuring a fresh supply of wood and water. That we picked up about one cord of drift wood from off the beach of said island, and filled two barrels of water from a spring or brook on said island. And on Monday morning following, about 4 o'clock, got under weigh and towed out of the harbor—it being calm; and when from one to two miles from the shore, we were boarded by a barge from the British man of war brig Dotterel, containing nine men, with arms, &c. commanded by an officer from said brig, of the name of Jones, who took possession of my vessel and papers, and brought her to anchor; menacing myself and crew with violence; threatening our lives, &c. They then took out all our crew, with the exception of myself, put them on board the schooner Friend, Coggins of Lubec, which vessel they also captured, and made a cartel of, as they termed it; manned my vessel, and ordered her for St. Andrew's, New Brunswick.

While on our voyage, we had caught no fish within from six to

eighteen miles from shore. We had no goods or merchandise on board, nor did we go into a harbor for any other purpose than to procure wood and water. ROBERT SMALL.

STATE OF MAINE, WASHINGTON. } ss.

Then personally appeared, the said Robert Small, and made solemn oath, that the foregoing statement, by him subscribed, was true, before me,

FREDERICK HOBBS,
Justice of the Peace.

EASTPORT, *July* 27, 1824.

I, Elisha Small, of Lubeck, Maine, on oath declare and say, that, on the seventh of July inst. I left Lubeck as master of the schooner Ruby, on a fishing voyage in the Bay of Fundy, and on the 25th July, being nearly destitute of wood and water, we made for the outer islands lying near Grand Menan, and finding the sea so heavy that we could not land, we went into the harbor of the "Two Islands," so called, to get a supply. We got in there between three and four o'clock, P. M.; when I sent my boat and seven hands to fill water, and get wood. We got one boat load of drift wood, and filled four barrels of water, when day-light shut in, and we had not time to get more. The wind died away calm, and we could not get out of the harbor again that night. The next morning we got under weigh with a very light wind, and got out of the harbor, and it died away calm again. We were then boarded by a barge belonging to the British armed brig Dotterel, commanded by an officer of said brig by the name of Jones, and having on board nine men, armed with guns, cutlasses, dirks, and pistols. Jones demanded my papers which I delivered up, and ordered my crew forward—told his men to go down and search the vessel; they found nothing but fish, and salt, and fishing gear. He then told my crew to take their dunnage, ordered them on board the fishing schooner Diligent, which had previously been taken, and sent Captain Ficket, of the Diligent, to Lubeck with the men. We had no merchandise on board the said schooner Ruby; had not caught a fish, or attempted to catch one, within five miles from the shore, nor had we been into any harbor, until the one above named. ELISHA SMALL.

State of Maine, Washington, } ss.

Then personally appeared the said Elisha Small, and made oath that the foregoing statement, by him subscribed, was true,

Before me,
FREDERICK HOBBS,
Justice of the Peace.

EASTPORT, *July 27th*, 1824.

I, Elias Ficket, master of the schooner Diligent, of Harrington, Maine, do testify, declare, and say: That, on the sixteenth of July, eighteen hundred and twenty-four, I left Eastport, Maine, in the above schooner, for a fishing voyage, in the Bay of Fundy; that, on Sunday, the twenty-fifth of July, being nearly destitute of water, we repaired to a place called "Two Islands," lying to the southward of Grand Menan, about three fourths of a mile, and on which there are no inhabitants, and procured two barrels of water from a spring or brook on said island. On Monday morning, got under weigh, and the wind being light, towed out of the harbor; and when about one and a half miles from the shore, while attempting to get on the fishing ground, (which is six to nine miles from any shore) we were boarded by a barge from the British man of war brig Dotterel, commanded by a sailing master, whose name was Jones, and having on board nine men—taken possession of, and ordered to receive on board the crew of the schooner Ruby, of Lubeck, which vessel they had previously captured, and to sail immediately to Lubeck, as a cartel—thereby interrupting us in our lawful employment, and destroying our fishery. I further declare, that we had no goods or merchandise on board our schooner; that we did not go into a harbor for any other purpose than to obtain a supply of water.

We were not fishing where we were captured, nor had we attempted to catch fish within more than six miles from the shore, while on our voyage. I further declare, that we were badly used by the barge's officers—threatening to shoot us, &c. &c. And they said their orders were to capture all Americans they met with, right or wrong—that there was no treaty—and that Americans should not fish in British waters.

ELIAS FICKET.

STATE OF MAINE, }
Washington, ss. }

Then personally appeared the said Elias Ficket, and made solemn oath, that the foregoing statement by him subscribed, was true, before me,

FREDERICK HOBBS.
Justice of the Peace.

To the Hon. JOHN Q. ADAMS,

Secretary of State:

The undersigned, inhabitants of the county of Washington, in the state of Maine, interested in the fisheries in the Bay of Fundy, beg leave to represent:

That, although till the present year, the privileges reserved and confirmed to American fishermen by the convention of 1818, have

been enjoyed with but few interruptions, they are now, in a great measure, cut off and prostrated, by the piratical conduct of the commander of his Britanic Majesty's brig Dotterel, and the officers under his command, aided by the provincial Cutter attached to the port of St. Andrew's.

That the officer having the charge of the armed boats ordered to cruise round Grand Menan and Campo Bello, has written instructions, which have been exhibited to our citizens, from the commander of the Dotterel, to seize, and send into St. Andrew's, all American fishermen found within three marine miles of said Islands. That, under these orders, that officer, without any pretence other than such instructions, has seized the following vessels:

Schooner Pilgrim, of Lubec, Woodward, master;
" Hero, of Dennysville, Clark, "
" Rebecca, of Addison, Wass, "
" Galeon, of Lubec, Hunt, "
" William, of Addison, Tabbuts, "
" Ruby, of Lubec, E. Small, "
" Rein Deer, of Lubec, R. Small, "

The Pilgrim and the Hero were captured while under sail, standing for Lubec in distress, and more than three miles from said Grand Menan. And, although this capture took place on the sixteenth day of June last, said schooner Hero has not been sent in for trial, but has been armed, and is still used as a tender to said Brig Dotterel, the more easily to decoy other fishing vessels. The Rebecca went into Grand Menan in distress for wood and water, and, having obtained a supply, was preparing to return to the fishing ground, when she was taken. The Galeon, with seventy quintals of fish on board, went in for the same purpose, and, within a few minutes after she had accomplished her object, it being quite late in the evening, and the fog extremely dense, she was taken, and sent to St. Andrew's. The William, with one hundred and twenty quintals of fish on board, left the fishing ground in distress for want of water, and had come to anchor near the shore of Grand Menan: her sails were not handed, nor was her boat launched from the deck to go on shore, when she was seized and taken to St. Andrew's. The Ruby and Reindeer went in to Two Island harbor for wood and water, near Grand Menan, and were immediately seized.

We beg leave here to observe, that American fishermen have no occasion nor inducement to violate the provisions of the aforesaid convention; nor have they, as we firmly believe, in any instance, given just cause for complaint.

The protest of the master and crew of the Galeon, has already been forwarded you. Those of the Hero and Pilgrim will accompany this memorial, and will, we trust, establish the facts relative to the wanton detention of those vessels, as well as shew the indignities cast upon the American flag, and the insults offered the citizens of the United States by the British officers of the Dotterel and Provincial Cutter.

To claim these vessels in the Vice Admiralty courts in New Brunswick, would be worse than a total loss: for, besides, the fact that the claimant must give bonds to the amount of £60, currency of New Brunswick, to pay costs of libel, whether condemnation takes place or not, his vessel, should he prevail in a claim, (proverbially hopeless) will come to his hands in a dismantled and ruinous state. No care is taken of American vessels seized for a pretended violation of British revenue laws: for, as they can never sail under British papers, but must be broken up or taken from the country, the seizing officer has no inducement to keep them in good repair, with the expectation of being remunerated for particular attention by a more advantageous sale. Certificate of reasonable cause of seizure, to prevent a suit for damages, is never refused by the Vice Admiralty Judge of New Brunswick, to a British naval officer, when the proper application is made. To appeal, therefore, to the Provincial Courts for redress would be worse than unavailing. It would only aggravate the damages already sustained.

To the successful advocate of the rights of American fishermen, it need not be urged, that this state of things is peculiarly vexatious and ruinous. To the owners and crews of the vessels detained, and to their families, it is, in many instances, oppressive and distressing—and they are left without redress, unless their own Government interpose. To that Government they appeal; and they do it with full confidence that their complaints will be heard, and their wrongs redressed.

August 16, 1824.

Sol. Thayer	Darius Pearn
Hayden and Killey	Buck & Tinkham
John Norton & Co.	Benj. B. Leawell
John A. Baskum	James M. Lincoln
Benj. Bucknam	Bucknan & Gunnison
Ethel Olmstead	John G. Faxon
John Webster	Joseph Sumner
A. Barnard	Davenport Tucker
Oliver & James Glover	Jeremiah Fowler
Daniel Young	Moses Fuller
Daniel Pease	F. A. & O. Burrall
William H. Tyler	Calvin Gibbs
Joseph Whitney	Darms & Noyes
A. P. Mills	William M. Brooks
Joshua Gibbs	Samuel B. Wadsworth
Samuel Miars	T. Pilsbury
J. Boynton	John Faxon
George & Isaac Hobbs	William Wass
Samuel Wheeler	William Nash
Green & Shaw	Jery Bevan
W. Eustis	Lewis Putnam.

To the Honorable John Q. Adams, Secretary of State to the United States.

The memorial of John Gardiner Faxon, merchant, of Lubeck, in the state of Maine, humbly sheweth:

That the said John G. Faxon is sole owner of the schooner called the Galeon, of said Lubeck. That said schooner being on a fishing voyage, in the Bay of Fundy, was seized and detained by part of the officers and crew of the British armed brig Dotterl, and is still detained, in the British port of Saint Andrew's, by the authority of the commander of said brig, under the circumstances set forth in the protest annexed; which seizure and detention is to the great damage of the said John G. Faxon: wherefore, your memorialist humbly prays, that the honorable Secretary will cause such proceedings relative to the premises as he may think proper, to relieve the said owner and crew of the said schooner Galeon; and your memorialist will ever pray, &c.

And your memorialist further states, that the just value of the schooner Galeon, with her cargo and equipments, at the time of her capture and detention as aforesaid, was fifteen hundred dollars.

JOHN G. FAXON.

UNITED STATES OF AMERICA, } ss.
State of Maine, Washington, }

Be it known to all to whom these presents may come: That, on this twenty-second day of July, in the year of our Lord one thousand eight hundred and twenty-four, before me, Solomon Thayer, Notary Public, by legal authority duly commissioned and sworn, and dwelling at Lubec, county and state aforesaid, personally appeared, Harding Clark, master of the pink sterned schooner Hero, of Dennysville, Ephraim Clark and William H. N. Brown, fishermen on board said schooner, who, being severally sworn, do depose, declare, and say: That, on the eleventh day of June, now last past, they sailed from Dennysville in said schooner Hero, fitted for a fishing cruize of six weeks, and arrived on Monday morning, being the fourteenth day of said June, on the fishing ground called the Grand Menan Banks, from nine to twelve marine miles from land, and commenced fishing. That they continued to fish till Wednesday the sixteenth day of said month, when the schooner struck adrift. It was then about nine o'clock, A. M. Got under weigh immediately, and attempted to regain the fishing ground, but could not effect it by reason of a strong tide. Kept beating to windward towards the fishing ground, and the tide slacking, got within about half a mile of it, and from six to nine miles from any land, when an armed boat, said to belong to the British armed brig Dotterel, fired two muskets, loaded with balls,

across said schooner Hero. She was rounded to, and an officer came on board and took forcible possession of the vessel and her papers.

The declaraants further depose and say, that they were kept sometimes on board said schooner, sometimes on board the Dotterel, or some of her boats, from that time till the twenty-ninth day of said June; and were allowed for a part of this time only one meal per day. That they were every night in harbor and near home; but though they earnestly solicited to be set on shore, it was not granted them, but were forced by threats and menaces that they would be cut in pieces in case of refusal to do the same duty as the common British sailors. They were at last landed at St. John, a distance of eighty miles from Dennysville, and even subjected to great expense and distress in getting home.

The declarants further say, that said schooner Hero has been manned and armed, and is still made use of as a tender for said brig Dotterel, and has never been libelled or sent in for trial. And the said Harding Clark for himself saith, that when he was set on shore at St. John, his pocket-book and private papers were taken from him and detained.

Wherefore they do protest, and I, the said Notary, in their behalf, do solemnly protest against the winds, seas, tides, armed boats, pirates, the wanton and flagrant abuse of power, and whatsoever else that caused the seizure and detention of said schooner Hero, and for all damages, costs, and expenses sustained, and to be sustained, by reason of such illegal and wanton detention of said schooner as aforesaid; and I, the said Notary, do aver that the same was caused, not by a breach of the revenue laws of Great Britain and the United States respecting the fisheries, done, made, or committed, by said schooner Hero; but was wholly without any fault on the part of said schooner, or any person thereof, but an act of piracy committed on the high seas without a pretence of authority.

In faith whereof, I, the said Notary, have hereunto set my hand and affixed my seal of office, the day and year first above written.

SOLOMON THAYER, *Notary Public.*
HARDING CLARK.
WILLIAM H. N. BROWN.
EPHRAIM CLARK.

UNITED STATES.

STATE OF MAINE, } ss.
Washington, }

To all whom it may or doth concern, know ye, that, on the twenty third day of July, in the year of our Lord eighteen hundred and twenty four, before me, Solomon Thayer, Notary Public, by legal authority, duly appointed, commissioned and sworn, and dwelling in

Lubec, state and county aforesaid, personally appeared Charles Tabbut, master of the fishing schooner William, of Addison, and noted his protest; and now, on the twenty third day of August, Anno Domini eighteen hundred and twenty four, he again appears to extend the same, and with him, also, appear Thomas Wright Benjamin Reynolds, and Josiah W. Perry, fishermen belonging to said schooner William, who being severally sworn, do declare and say:

That, on the first day of July, now last past, they sailed in said schooner William, on a fishing cruize in the bay of Fundy, and anchored between what is called Mur-ground and the Grand Menan Banks, a distance from nine to fifteen miles from land: that they continued there at anchor, and fishing till the fourteenth day of said July, when, having only fifteen gallons of water on board, and that unfit for use, it was thought prudent and necessary to run into Gull Cove, Grand Menan, and obtain a supply. Arrived at Gull Cove on the fifteenth of said July, at two P. M. and came to anchor, the fog being extremely dense. The sails of the William were not handed, as it was intended to obtain water with all possible dispatch, and return to the fishing ground. They had gone below, and were taking dinner, and not more than ten minutes from the time of anchoring, the boat not having been launched from the deck to go on shore, when they were boarded by an armed launch, commanded by one Jones, an officer of the English gun brig Dotterel, who demanded their business—their papers, and took forcible possession of the vessel. Jones sent his men below to examine the water casks, and ascertain what quantity of water there was on board the William. They reported there were three half casks of water below, one empty barrel, and one with the hoops off. Mr. Jones was then told by these declarants that the report of his men was incorrect; that one barrel only had any water in it, and that but fifteen gallons, completely unfit for use; that, besides this, there was a half barrel of molasses, and a barrel with five or six gallons of beer. Mr. Jones ordered the William under weigh—took her in nearer the shore—moored her in a dangerous place and stripped her, and took the William's boat, carried it on shore, and gave out word that if any of the William's crew attempted to go on shore, or if any boat was called along side, or if he heard any noise on board, he would shoot them. They were thus left till near sun-set, without a drop of water fit to drink, though they frequently hailed Mr. Jones as he passed and repassed, and stated to him their distress, and begged for water; their prayer was wholly disregarded. About sun-setting, a vessel from Campo Bello anchored along side, and by permission of the captain thereof, they obtained from the shore a two gallon keg filled with water.

These declarants further say, that, when Mr. Jones became satisfied there was no water fit for use on board the William, in a violent rage, he said "the American fishermen had been damned saucy to the inhabitants on Grand Menan." The master of the William, one of these declarants, replied that such an allegation did not apply to his vessel; that he had always used the inhabitants as he wished to be

treated himself. Jones then said "it was damned well for him he had done so, for otherwise he should have confined him to the deck, and cut him into ounce pieces." To this the master of the William replied he should not give himself any uneasiness on that account. Jones, with an oath, replied to this. "dam you I will confine you to the deck, and lash a pump brake across your mouth."

The declarants further say, that, on the next day, the William was got under weigh, and taken to St. Andrews and stripped; that she had over one hundred and twenty quintals of fish on board when she was captured. Wherefore they do protest, and I, the said Notary, in their behalf, do solemnly protest against said Jones, and the armed men under his command, against pirates and piratical seizures and detentions of American fishermen, and whatsoever else caused the forcible detention of said schooner William, and for all expenses, costs, charges, and damages paid or sustained, or to be paid or sustained by reason of said detention. And I, the said Notary, do solemnly aver and declare, that said detention was not by reason of any breach of the revenue laws of Great Britain, or of the province of New Brunswick, done or committed by said schooner William or any one on board thereof, but an unauthorized, a wanton, a piratical act of the said Jones and his abettors.

CHARLES TABBUT.
BENJAMIN REYNOLDS,
JOSIAH W. PERRY,
THOMAS WRIGHT.

In faith whereof, I have hereunto affixed my seal of office, this twenty-third day of August, Anno Domini eighteen hundred and twenty-four.

UNITED STATES OF AMERICA.

State of Maine,
Washington, } ss.

Be it known to all to whom these presents may come, that, on this twenty-fourth day of July, in the year of our Lord one thousand eight hundred and twenty-four, before me, Solomon Thayer, Notary Public, by legal authority duly commissioned and sworn, and residing at Lubec, state and county aforesaid, personally appeared Hubbard Hunt, junior, mate of the schooner Galeon, of Lubec, Nehemiah Small, Daniel Jay, jun. John Hunt, and Edwin Hunt, sharesmen, belonging to said schooner, who, being severally sworn, do depose and say, that, on the first day of July, now current, they sailed in the said schooner from Lubec on a fishing cruize to the Grand Menan Banks. On their way thither, and while doubling round the southerly end of Grand Menan, distant about six miles, with their colors at mast-head, they were fired into by the St. Andrews' Cutter, McMaster commander, and ordered to come under said Cutter's lee.

Mr. Baxter, an officer of said Cutter, came on board and demanded her papers, sent his men into the hold to search her, and went himself for the same purpose into the cabin. After detaining the Galeon about half an hour, she was permitted to proceed. Arrived on the banks the same day, and commenced fishing; on the fifteenth day of said month having only five gallons of water on board, and no wood, run in for Grand Menan to get a supply. Arrived at Beal's passage about half past seven P. M. fog quite thick; went on shore and got two barrels of water, and a boat load of wood, by permission of Charles Blumorten the owner; it was then about nine o'clock of the same evening. Having got supper, and intending to get under weigh, as soon as the land marks could be discerned, to return to the banks, they were boarded by an armed boat belonging to the English brig Dotterell, and their papers demanded and taken. The vessel was immediately got under weigh by order of Mr. Jones, the commander of the armed boat, and run into Gull Cove. The next day the Galeon was taken to St. Andrews, stripped, and made fast in the King's dock.

The declarants further depose and say, that, from the time they left Lubec on the first day of said July, until they run in in distress, for want of wood and water, on the evening of the fifteenth of said month, they had never been within three marine miles of Grand Menan, nor caught, or attempted to catch, any fish within from ten to twenty miles thereof. That, after they were taken, the officer, Mr. Jones, positively promised them that he would release the Galeon as soon as she arrived at St. Andrews; and it was their reliance on his promise, and the belief he could not be so wanton as to add insult to injury, but that he would redeem his word, that they have not protested before. She is still retained. Wherefore, they now protest, and I, the said Notary, in their behalf, do solemnly protest against the flagrant abuse of law, (and the right granted to American fishermen by treaty,) by armed boats under the British flag, without a pretence of authority: against pirates, the winds, seas, and whatsoever else may have been the cause of the capture and detention of the Galeon; and I do aver, that the capture, and detention, was not by reason of a violation of any revenue law of Great Britain, or an infraction of any privileges granted by the convention, done, or committed by said Galeon, or any of her crew, but was done without a pretence of right, and substantially an act of piracy.

HUBBARD HUNT, Jun.
NEHEMIAH SMALL,
DANIEL TAYLOR, Jun.
JOHN HUNT,
EDWIN HUNT.

In faith whereof I, the said Notary, have hereunto set my hand and seal of office, the day and year first above written.

SOLOMON THAYER,
Notary Public.

UNITED STATES OF AMERICA.

State of Maine, } ss.
Washington. }

To all to whom this public instrument of protest may come, be it known, that, on the twenty-second day of June, now last past, before me, Solomon Thayer, Notary Public, by legal authority duly commissioned and sworn, and dwelling at Lubec county, and state aforesaid, personally appeared, James Woodward, master of the fishing schooner Pilgrim, of Lubec, and noted his protest; and now, on this seventh day of August, in the year of our Lord one thousand eight hundred and twenty four, he again appears, and with him, also appear Jacob Winslow and James Woodward, jr. fishermen, who, being severally sworn, do depose, declare, and say, that, on the eighth day of June aforesaid, they sailed from Lubec on a fishing voyage to the Grand Menan Bank, so called; but owing to thick weather and head winds, did not get on the fishing ground till Monday the fourteenth day of said June. They then came to anchor (the wind blowing quite fresh and a high sea) twelve miles from any land. At four P. M. of the same day, they found the vessel drifting, hauled in the cable, and found the anchor broke close to the stock. Made sail and got on to another part of the fishing ground, nine miles from land, and then continued to fish till Wednesday the sixteenth day of said June, but finding their only remaining anchor too light to hold the vessel in so strong a current, weighed it and stood for Lubec to obtain a new one. The same day at about three P. M. were fired upon and brought to by an armed boat belonging to the English armed brig Dotterel, who took their papers, and ordered Jacob Winslow and Benjamin Scott, fishermen, on board the tender, putting one seaman and one marine on board the Pilgrim. This was done while the Pilgrim was under weigh, and from four to six miles from land. The seamen in the Pilgrim were ordered to follow the tender, which then steered east, and still further from land, and took forcible possession of the American schooner Hero, Harding Clark, master, also under sail and standing for Lubec. Both vessels were then taken into Flagg's Cove, Grand Menan, and anchored. On Thursday the seventeenth of said June, asked permission to be set on shore, but were denied. On the 18th, got under weigh, and stood for the Wolf Islands; at 6 P. M. both vessels were ordered to heave to, and the Pilgrim's boat to be sent on board the tender. The officer then compelled one of these declarants, James Woodward, jr. only seventeen years of age, to row the boat alone cross-handed, a distance of not less than four miles, to board vessels lying at the easterly part of the Wolf Island, and then to row back again to the tender. On the officer's return to the tender, he ordered the Pilgrim to stand in for the Eastern Wolf Island; and these declarants were compelled to row her (it being then a dead calm) for four miles to gain said place, where she was anchored for the night. On the 19th, at 8 A. M. got under weigh and stood

to Beaver Harbor, and came to anchor: were then forced to unbend the sails of the Pilgrim and stow them below. On the 20th, at 8 A. M. were ordered to bend the sails and get under weigh: which was done; and after beating with the wind SSE. and a flood tide for three hours, were ordered back to Beaver Harbor. On the 21st at 6 A. M. were ordered to get under weigh—beat all day against a strong head wind, and at night anchored in Mason's Bay.

At one o'clock the next morning, these declarants, knowing that the Pilgrim had violated no law, nor any treaty or convention between the United States and Great Britain, and that they were detained without the pretence of authority on the part of the officer of the armed boat, got said Pilgrim under weigh without orders, and stood for Lubec, where they arrived on the said twenty-second day of June, with the loss of boat, papers, a fowling piece, a pistol, and a great quantity of powder and shot, which were plundered from them by said armed boat.

Wherefore, they do protest, and I, the said Notary, in their behalf, do solemnly protest against said armed boat and the officer and men on board thereof—against pirates and unlawful captures on the high seas—against winds, tides, and whatsoever else, caused the detention of said schooner Pilgrim, and the loss of her papers, boat, &c. and I, the said Notary, do aver, that it was not by reason of a violation of any revenue law of Great Britain, committed by said schooner Pilgrim, or any of her crew, but a wanton insult upon the American flag on the high seas, without a shadow of excuse, by an officer of the British navy.

JAMES WOODWARD, Senr.
JACOB WINSLOW,
JAMES WOODWARD, Jr.

In faith whereof, I have hereunto set my hand and affixed my seal of office, this seventh day of August, in the year of our Lord one thousand eight hundred and twenty four.

SOLOMON THAYER, [L. S.]
Notary Public.

Mr. Brent to Mr. Addington, dated

21st SEPTEMBER, 1824.

SIR: I have the honor to transmit to you copies of some additional papers which have been received at this office, upon the subject of the interruption, likewise given by the same armed British Brig Dotterel, to vessels of the United States employed in the prosecution of the fishery in the Bay of Passamaquoddy, and elsewhere in the same neighborhood, as particularly exemplified in the cases of the two schooners, William and Rebecca, which are fully stated in the enclosures,

and to pray the interposition of your good offices in behalf also of the owners of these vessels, towards obtaining for them the indemnity to which they may be justly entitled.

I have the honor to be,
with high consideration, Sir,
your obedient and humble servant,

DANIEL BRENT.

STATE OF MAINE,

County of Washington, Columbia,

SEPTEMBER 6th, 1824.

To the Hon. JOHN Q. ADAMS,
Secretary of the Department of State.

SIR: Enclosed is a protest on account of the capture of the fishing Schooner William of Addison in the county aforesaid, belonging to, and owned by, the subscribers, citizens of the United States. These papers are enclosed for the purpose of procuring redress for the injury and loss sutained. The said Schooner William was 41 tons burthen, and but four years old, with a new suit of sails and rigging, cables, anchors &c. valued at - - - - $1000 00
120 Quintals fish on board at $3 per Quintal - - 360 00
Bounty for said schooner - - - - 162 62
Damages in consequence of said capture - - - 500 00

$2,022 62

All requisite evidence, should further be needed, will be furnished; and the subscribers pray that such measures may be adopted, as shall lead to a redress for the loss and damage by them sustained.

WILLIAM WASS,
WILLIAM NASH.

STATE OF MAINE, COUNTY OF WASHINGTON,

Columbia, September 6, 1824.

SIR: The unjustifiable seizure and confiscation of certain fishing vessels in the waters of Passamaquoddy Bay, it is hoped, will deserve and receive the attention of Government. Enclosed is a protest against the capture of the schooner Rebecca, of Addison, in the coun-

ty aforesaid, the property of Wilmot Wass, of the said Addison, a citizen of the United States.

The schooner Rebecca, valued at	$600 00
25 quintals fish, at $3	75 00
Bounty	94 50
Damage in consequence of capture	300 00
	$1,069 50

In behalf of the said Wass, I have to request that such measures may be adopted as will lead to redress of the loss and injury sustained by him.

STEPHEN EMERY for
WILMOT WASS.

To the Hon. JOHN Q. ADAMS,
Secretary of the Department of State.

Charles Tabbuts, master of the schooner William, of Addison, on oath, deposeth and saith, that he sailed on board said schooner, on a fishing cruise, on the 1st day of July, 1824; anchored between what is called the Grand Menan Banks and the Murr-ground; continued at anchor and fishing till the 14th of July, when, having on board only fifteen gallons of water, and that unfit for use, it was determined best to run into Gull-cove, and obtain a barrel of water; arrived there on the 15th about 2 P. M. and came to anchor: the fog very thick; did not hand the sails, as we intended to get the water on board and go back. While below, and taking dinner, and not more than ten minutes from the time of anchoring, our boat still on deck, we were boarded by a Mr. Jones, an officer of the Dotterel, our papers demanned, and taken into his possession. He demanded our reasons for being there, and was told them. He sent his men below, to see how much water we had; they reported that there were three and a half barrels of water below, one empty barrel, and one with the hoops off. Mr. Jones was then told by me, that there was no cask but one that had any water in it, and that had only fifteen gallons, and so bad it could not be used; that there was one-half barrel of molasses, and a barrel with five or six gallons of beer. Mr. Jones ordered the William under weigh; took her in towards the shore; moored her in a dangerous place, and stripped her; took the boat and carried her on shore, and gave orders that, if any of the William's crew went on shore, or any boat was called along side, or if he heard any noise on board, he would shoot us. We were thus left without a drop of water fit to drink till sunset, though we frequently hailed Mr. Jones, and stated our distress, as he passed us—we were wholly disregarded. About sunset, a vessel from Campo Bello anchored alongside, and, by permission of the master, the deponent went on shore and got a two gallon keg of water. On the 16th instant the William was got under weigh by Mr. Jones, and taken to St. Andrews.

The deponent further saith, that, when Mr. Jones found there was no water on board fit for use, that, in a violent rage, he told this deponent that the American fishermen had been damned saucy to the inhabitants. The deponent replied that he had not been saucy to the inhabitants, but had always used them as he wished to be used himself. Jones replied that it was damned well for me that I had been so, or he would otherwise confine me to the deck, and cut me into ounce pieces. I told him that I should not give myself any uneasiness on that account. Then, with an oath, he said, damn you, I will confine you to the deck, and lash a pump-brake across your mouth.

CHARLES TABBUTS.

STATE OF MAINE, } ss.
Washington, }

On this 23d day of July, 1824, personally appeared before me Charles Tabbuts, and made solemn oath to the truth of the foregoing statement by him subscribed.

SOLOMON THAYER,
J. P. & Not. Pub.

Mr. Brent to Mr. Shepley, Attorney U. S. for District of Maine.

DEPARTMENT OF STATE,

Washington, October 8th, 1824.

SIR: In the absence of the Secretary, I have the honor to transmit to you the enclosed copy of a letter from Mr. Addington, the British Chargé d'Affaires, at this place, in answer to remonstrances from this Department, upon the complaints which were lately exhibited to it, by sundry citizens of the United States residing in the state of Maine, and engaged in the Fisheries, against the commander of the British armed brig Dotterel, for interruptions and other injuries which they state to have experienced, at the instance, and under the orders of that officer, in the prosecution of their accustomed employment during the present season, and requesting his good offices towards obtaining for them the redress to which they may be entitled; and I beg leave, at the same time, to trouble you with copies of the letters and documents referred to, and enclosed in, Mr. Addington's letter, which exhibit serious complaints on the part of the British authorities, against all, or very many of the same individuals, in reference to the subject-matter of their own complaints. I do this, with the request that, as soon as convenient, you would have the goodness to institute an inquiry into the circumstances particulary complained of by the British Chargé d'Affaires, and communicate the result to this Department, that the

Secretary may be enabled, with the advantage of the counter-statement to be thus expected, as I doubt not he will, to give Mr. Addington satisfactory explanations in relation to the transactions complained of by him; or otherwise, to direct such proceedings to be had, as the circumstances of the whole case shall render advisable and proper.

I am, with great respect,

Sir, your obedient and humble servant,

DANIEL BRENT.

Mr. Addington to Mr. Adams.

WASHINGTON, *October 5th*, 1824.

SIR: I have the honor to acknowledge the receipt of two letters, one dated the 8th, and the other the 21st ultimo, which Mr. Brent addressed to me, in pursuance of instructions from you, relatively to certain American fishing vessels averred to have been detained, in violation of the terms of the convention of 1818, by His Majesty's sloop Dotterel, in the Bay of Fundy, in the months of June and July last.

I shall not fail to communicate, without loss of time, the whole of the papers relative to this matter, to the Admiral commanding His Majesty's naval forces at Halifax; and in so doing shall strongly recommend that a full and impartial investigation be made into the merits of the various cases therein reported; the result of which shall be forthwith imparted to you whenever it comes to my knowledge.

Mean time, sir, I must inform you that a report of those very occurrences, of a nature very different from that made by the individuals to you, has reached me from Rear-Admiral Lake, of whose letter, together with its enclosures, I have the honor to transmit to you copies herewith.

It is therein made to appear, that the fishing vessels above-mentioned were detained by the Dotterel solely on account of their having been detected in the commission of a direct infraction of the treaties existing between the two nations, having, in fact, been found pursuing their occupation without the boundaries assigned to them by the terms of the convention of 1818.

On this point, however, the parties are at issue, each stating his case according to his own view of it. Thus far, therefore, there is ground for a candid and impartial investigation on both sides. Such I have recommended to Admiral Lake, and such, I trust, you will also cause to be instituted here.

But there is another point, sir, on which I lament that there should be no ground for doubt or hesitation as to the course which I have to pursue.

By a perusal of the enclosed documents you will perceive, that after the detention of the Reindeer and Ruby by the master of the Dotterel, and while on their way to St. Andrews, "an attack was made on those vessels by two schooners and an open boat, *under American colors, full of armed men, with muskets and fixed bayonets*, amounting to about one hundred, headed by a Mr. Howard, of Eastport, who is said to be a Captain in the United States militia, in consequence of which the master thought it most prudent to surrender to such superior force."

This, sir, is an outrage of such a nature as to leave me no other alternative than to make a formal demand from the American Government for the infliction of punishment on the offenders.

Whether the vessels were legally detained or not, such an act of violence will bear no justification. If individuals are permitted to expound the stipulations of treaties for themselves with arms in their hands, the preservation of harmony and good understanding between nations can no longer be hoped for.

I am disposed (no person can be more so) to act fairly and openly by the citizens of this Republic, wherever they have just ground of complaint against British authorities, and shall accordingly take every measure for ascertaining whether the detention of the vessels in question was legal or not.

If it was not legal, you have abundant proof, sir, in your own hands, of the disposition of His Majesty's Government to afford the most prompt and equitable redress to the parties aggrieved. I allude to the case of the American schooner Charles, detained and employed as a tender last year by His Majesty's sloop Argus. That act, you will recollect, was condemned as illegal by His Majesty's Ministers, and restitution ordered to be made to the parties who suffered through the exercise of it, although otherwise liable, by the illegality of their conduct, to the entire loss of their property.

But, in the meantime, sir, it becomes my duty to demand reparation, by the punishment of the transgressors, for the act of violence perpetrated on persons bearing His Majesty's commission, while engaged in the discharge of their public duties.

I feel confident, sir, that you will view this outrage in the same light as myself, and consider such conduct equally dangerous to the peace and well being of the two countries; and I have no doubt that you will see the expediency of causing immediate proceedings to be instituted against the principal actors in this disgraceful scene.

I beg, sir, that you will accept the renewed assurances of my distinguished consideration.

H. U. ADDINGTON.

Rear Admiral Lake to Mr. Addington.

HALIFAX, *9th September*, 1824.

SIR: I have the honor to transmit to you a copy of a letter, dated 26th ultimo, from Captain Hoare, of His Majesty's sloop Dotterel, with its enclosure from Mr. John Jones, Master of that sloop: also copies of two letters from Captain Hoare, dated the 2d instant; one of them containing a copy of the affidavit therein mentioned.

By the first of these communications, you will perceive that two American vessels, called the Reindeer and Ruby, were seized by the Master of the Dotterel, in Two Island Harbor, Grand Menan, on the 26th of July, for a breach of the treaty between Great Britain and the United States: and that, on the evening of the same day, when abreast of Harbor de Lute, proceeding to St. Andrews, an attack was made on the vessels in question, by two schooners and an open boat, under American colors, full of armed men with muskets and fixed bayonets, amounting to about one hundred, having the appearance of militia men, and headed by a Mr. Howard, of Eastport, who is said to be a Captain in the United States' militia; in consequence of which, the master thought it most prudent to surrender to such superior force.

Captain Hoare's next letter mentions his having, on the 29th ult. on his passage to Halifax, fallen in with the American schooner Madison, (by her papers Ansel Coggins, Master,) which he was informed was one of the vessels to which the men belonged who rescued the beforementioned vessels from his master: and that, finding on board this vessel a man, named Daniel Rumney, whom one of the marines of the Dotterel identified as one of the persons concerned in the rescue, Captain Hoare thought proper to detain the vessel, and take Rumney on board the Dotterel as a prisoner.

Captain Hoare's other letter refers to the Pilgrim, an American fishing vessel, seized by him at Grand Menan, in June last, for a breach of the treaty; which vessel was afterwards rescued by some of her crew, in conjunction with one of the men whom Captain Hoare had put in charge of her; and the said vessel, having been fallen in with on the 29th ultimo, and a man named Winslow, who, Captain Hoare was informed was one of those actively engaged in the forcible rescue of the said vessel, she was taken possession of, and the man (Winslow,) put on board the Dotterel as a prisoner.

As in these transactions, His Majesty's officers have been assaulted in the execution of their duty, by armed subjects of the United States, and the property of which they had, in His Majesty's name, taken lawful possession, rescued from them in violation of the treaty subsisting between Great Britain and the United States, I consider it necessary that the subject should be brought officially before the American Government, in order that steps may be taken to prevent the

continuance of such proceedings, and therefore request you will be pleased to adopt such measures on the occasion, as shall appear to you to be necessary.

I have the honor to be, &c.

W. T. LAKE.
Rear Admiral and Commander in Chief,

Captain Hoare to Rear Admiral Lake.

H. M. Sloop Dotterel, *26th August*, 1824.

Sir: I have the honor to enclose the copy of a letter from the master of His Majesty's Sloop, under my command, detailing the circumstances of his having been attacked off Campobello by two armed Schooners, under American colors, and that two American fishing vessels, he had detained, were taken from him and carried into Eastport.

I have the honor, &c.
RICHARD HOARE, *Commander.*

John Jones, master, to Captain Hoare, of H. M. Sloop Dotterel.

H. M. Sloop Dotterel's Boat,
St. Andrew's, N. B. 27th July, 1824.

Sir: I beg leave to represent, that, on the 25th inst. when cruizing in the Yawl, in pursuance of your orders, off the Grand Menan, for the protection of our fisheries, I received information of several American fishing vessels being at anchor at Two Island Harbor, and that two of them, namely, Reindeer and Ruby, of Lubec, were at White Island Harbor on the 24th, where they got their wood and water, and that, on their anchoring, they fired their muskets and told the inhabitants they were armed, and would not allow any man of war's boat to board them; and after they had their supplies they shifted to Two Island Harbor, Grand Menan.

I made sail from Gullcove, and at day light, the 26th, observed four schooners at anchor at Two Island Harbor, which vessels got under weigh on our appearing: when I got close to three of them, they lashed alongside each other, and all hands, about thirty in number, went on board the middle one with their fire-arms and fish spears. I desired them to separate, which they refused to do until I threatened to fire on them. On boarding, they proved to be the Reindeer, master's name, Small, and Ruby, master's name, Small, (brothers,) of Lubec, two fishing vessels, and Friend's shallop, of the same place.

It being fine weather, and they not being in want of wood or water, I detained the Reindeer and Ruby, and put their crew, with the exception of their masters, on board the two American schooners, with provisions for a passage to Lubec, and made sail in the Reindeer and Ruby for St. Andrews through East Quoddy. About six, P. M. when abreast of Harbor de Lute, I observed two schooners and an open boat, full of armed men, muskets and fixed bayonets, hoisting American colors; one of them went along side. Mr. Townean in the Ruby, boarded and took the arms from him and his three men: the one abreast of me was kept off for about a quarter of an hour, when they commenced firing into us. Though with great reluctance I thought it most prudent to surrender to such superior force, having but four men, one musket, and three cutlasses. On delivering them up, I found there were in the two schooners about an hundred armed men, (including the crews of the schooners, about 30 in number,) the rest having the appearance of militia men, and headed by a Mr. Howard, of Eastport, said to be a Captain in the United States militia.

I have the honor to be, &c.
JOHN JONES, *master.*

Capt. Hoare to Rear Admiral Lake.

H. M. Sloop Dotterel,

Halifax Harbor, Sept. 2, 1824.

Sir: I have the honor to inform you, that, while running past the outer bank of the Grand Menan, on the 29th ult. on my passage to this place, I fell in with the Madison, American fishing schooner, (by her papers, Ansel Coggins, master) and, as I was informed by Winslow, one of the crew of the Pilgrim, American fishing vessel, and who was then on board the Dotterel, that she was one of the schooners that attacked the Master off Harbor de Lute, on the 26th of July, and the Master having affirmed that the name of the vessel that attacked him was the Madison, though he cannot swear to the vessel, as all that description of vessels are so much alike, but he believes her to be the same; and, on the crew coming on board the Dotterel, one of them, Daniel Rumney, was immediately recognized by William Vickery, one of the marines in the boat with the Master, as being one of those who were in, and took an active part in, the vessel that attacked them, and, on boarding the said Madison, it was discovered the master had left her, and, as she had her boat out, I have no doubt he had gone on board one of the other fishing vessels to escape detection, as he would have been immediately recognized by the Master; and, as some dates on the back of the papers relative to her arrival and leaving Lubec at different periods, prove her to have

been at Lubec about the time of the Master's having been attacked; these circumstances, together, left no doubt in my mind of her being the Madison, that, with another schooner, named the Diligence, attacked the Master off Harbor de Lute, on the 26th of July, and I therefore took possession of her, and ordered her to this port: as it appears to me, sir, that the circumstance of two armed schooners attacking and taking from a British officer and boats' crew, two vessels he had legally detained, is an act of piracy, and all those concerned therein, ought to be punished.

I have, for the present, detained Daniel Rumney on board, and I have to request you will be pleased to solicit the advice of the Attorney General on this important subject, that I may be guided thereby in my proceedings relative to the said Daniel Rumney.

I have the honor to be, &c.

RICHARD HOARE,
Commander.

Captain Hoare to Admiral Lake.

HIS MAJESTY'S SLOOP DOTTEREL,

Halifax, September 2d, 1824.

SIR: I have the honor to inform you, that, while running past the Outer Bank of the Grand Menan, on the 29th ult., on my way to this port, I fell in with the Pilgrim, American fishing schooner, and, as this vessel had been taken by one of my boats on the 16th of June at Grand Menan, for infringing the treaty, but was retaken by the crew, aided by James Martin, one of the two men put in charge of her, I have taken possession of, and ordered her to this port.

Enclosed, sir, is the copy of an affidavit made by William Paine (marine) and the other man in charge of the Pilgrim on their arrival at Lubec, by which affidavit you will see, sir, that a man by the name of Winslow, one of the crew of the Pilgrim, was the most active person in retaking her, and that he forced the cutlass from William Paine and obliged him to go below. Under these circumstances, I felt I should be justified in considering him a prisoner, and, as such, he now remains on board the Dotterel. That he ought to be punished in some way that may deter others of his nation from committing the same offence under similar circumstances, I am sure, sir, you will think necessary.

I have, therefore, to request you will be pleased to solicit the advice of the Attorney General on this important point, that I may be governed thereby in my proceedings.

I have the honor to be, &c. &c.

RICHARD HOARE,
Commander.

Admiral LAKE.

Copy of the enclosure in the foregoing letter.

William Paine, one of the marines belonging to His Britannic Majesty's brig the Dotterel, maketh oath and saith: That, on Wednesday last, the American fishing boat Pilgrim was seized for a violation of the treaty between the United States and Great Britain, and the deponent, with James Martin, seaman, put on board to take charge of her; that, on the night of the 21st instant, between the hours of 11 and 12, it being Martin's watch, he, this deponent, was awoke from sleep by the roll of the vessel; that he attempted to go on deck, but found the companion doors shut: this deponent then broke open the companion doors, armed himself, and went on deck, and ordered Captain Woodward, the master of the boat, then at the helm, to put the boat about: he refused; Martin was rowing; this deponent went forward and ordered him to drop the oar; but he would not till this deponent threatened to cut his head off if he did not; while this deponent was thus endeavoring to get the vessel about, Winslow and Martin suddenly sprung upon him, and obliged him to go below. This deponent was then brought to this place in the said boat Pilgrim against his will, and against all the exertions in his power to make.

his
WILLIAM ⋈ PAINE.
mark.

Benjamin Scott, one of the hands on board the Pilgrim, on oath, saith that the foregoing statement of Mr. William Paine is, according to his best knowledge and belief, substantially true; that he was below when Mr. Paine armed himself and went on deck, and soon after he returned and said he had been overpowered and his arms taken from him; that the Pilgrim was taken by Woodward and Winslow, aided by Martin, to Lubec. This deponent further saith that Woodward and Winslow both acknowledge that Mr. Paine discharged his duty to the utmost of his power; that superior force alone caused him to surrender his arms.

BENJAMIN SCOTT.

State of Maine,
Washington, } *ss.*

To all to whom these presents may come, Know ye, that, on this twenty-second day of June, anno Domini 1824, before me, Solomon Thayer, Notary Public, by legal authority duly commissioned and sworn, and residing at Lubec, personally appeared the afore-named William Paine and Benjamin Scott, and made solemn oath that the declarations by them personally made and signed were just and true.

In testimonium veritatis,
SOLOMON THAYER,
Notary Public.

Halifax, September 2d, 1824.

New Brunswick, } ss.
Charlotte County, }

I, the undersigned, one of His Majesty's Justices of the Peace, in and for the said county, residing in Campo Bello, do hereby certify, that, on this twenty-third day of June, 1824, William Paine, the person in the annexed instrument mentioned, appeared before me, and declared the facts therein contained, which appear to me to be correct. That Solomon Thayer is a Notary Public for the County of Washington, in the Province of Maine, United States, duly appointed, and that full faith and credit may be given to his attestation.

D. OWEN, *J. P.*

RICHARD HOARE,
Commander of His Majesty's sloop Dotterel.

Mr. Shepley to Mr. Adams.

SACO, *November* 16, 1824.

SIR: Having been requested, by letter from Mr. Brent, under date of the seventh of October last, to institute an inquiry into the circumstances particularly complained of by the British Chargé d'Affaires, and to communicate the result to the Department; I have now the honor to inform you that I repaired to, and near to the places of residence of the parties to those transactions, called upon them, and took their statements under oath, which are herewith enclosed, and by which you wil be enabled to understand fully and correctly, the whole history, not only of the circumstances complained of, but of all the proceedings of the Captain of the British armed brig Dotterel, in relation to our fishermen; and their proceedings to protect themselves, as they supposed, from the losses occasioned by the conduct of the Captain of the Dotterel.

It may, I think, sir, with safety, be affirmed, that the enclosed documents (being the affidavits of twenty-seven individuals, and relating to thirteen schooners and boats, and one small boat,) present a fair and faithful history of all the proceedings this season, between our fishermen and the officers of that vessel.

I have been particularly cautious, in taking the testimony, to give it without coloring it by the feelings of excitement manifested by our citizens.

Enclosed, also, is a bill of services and expenses for attending to the business.

With the highest respect, I am,
Sir, your most obedient servant,
ETHER SHEPLEY,
District Attorney.

I, Robert Small, master of the schooner Reindeer, of Lubec, on oath, testify and say, that it is my practice, in fitting out for the fisheries, to fill the barrels, which I use for oil barrels, with water: and, as I use the water and empty the barrels, to fill them with oil. I purchased the barrels while fitting out this cruize, and did not see them till after filled: there were eight filled with water. We left the harbor the twenty-sixth day of July, and proceeded on the fishing ground near Grand Menan Bank; continued to fish two or three days, and then discovered that the water in six of my barrels was salt, so that I could not use it; the barrels having been used for salting beef and pork. Finding my water all bad and expended, ran in to Two Island Harbor for water, and went on shore and obtained my water; laid there till the next morning, becalmed; then made sail for the banks; got out about a mile and a half, or two miles, and the wind died away, and left me becalmed again; soon discovered the barge of the British armed brig Dotterel; the Ruby, the Friend, and boat Diligence, lying in the same harbor, and near me; the barge came up and fired; ordered the anchor to be dropped, which was done: the master of the barge then ordered us to part, the Ruby and Reindeer being connected by a small line, which was obeyed; the vessels parted; he then ordered the Ruby to drop her anchor, which was done; he then came on board our vessel, the Reindeer, in a great rage; he demanded the papers, which were given him; they then threatened to carve us up like a turkey, or a piece of beef, brandishing their cutlasses about our heads; took the crew all out, and put them on board the schooner Friend; then took out the crew of the Ruby, and put them on board of the schooner Diligence, and ordered the Friend and Diligence off; told them to go off and about their business; then got the Reindeer under way, bound for St. Andrews, and ordered the Ruby to follow; passing up a little past Harbor de Lute, two other vessels hove down upon us; one, the schooner Madison, came down upon the Reindeer, there being about twenty men on her deck, with muskets, but no bayonets upon them; Jones, the master of the barge, being on board of the Reindeer, ordered all hands, and directed them to fire into the Madison: I then said to him, if you fire into that vessel, every man of you will be shot: he said, I believe it; he then said, what do they want, and who are they? I said to him, they are my neighbors: they want this vessel, and they will have her: he then laid down his sword and said, I surrender; unlocked his trunk, took out the papers of my vessel and the Ruby, and gave them to me. Skipper Coggins then invited him on board the Madison; and upon my assuring him that he might go with perfect safety, he went on board, drank with us, shook hands, and parted with us; went on board his barge, and went off; the Reindeer and Ruby then went home; the vessel has been laid up since, as I did not dare to let her go out; and the crew has been upon charges also; the injury to the owner and crew has been fifteen hundred dollars: I was in no other British harbor, except at Buck's Rock, in Grand Menan, where I went in the night in a heavy blow, and went

out again before morning. I saw no person; was not on shore; never fired any musket on the island, nor did I ever state that I was armed, or intended to resist; had only one old musket on board; fishermen always carry one or two: the crews of the vessels Reindeer, Ruby and Diligence, were not on board the middle one, or any one of the vessels; nor was there any shew of fire arms, or fish-spears, on board of either of the vessels; they were not lashed together for resistance. This is not only a common practice, but is necessary in this Bay, where the tide is very strong, and runs in different directions. There was not a gun fired into the Reindeer, or at her, while in Jones' possession, nor was there a gun fired at all, till after Mr. Jones had gone on board the Madison, and then only as an expression of joy; nor was there any gun fired at the Ruby, nor did the Diligence, nor any person on board of her, demand or take, any arms from those on board the Ruby, when she was retaken: they did ask for one of their own muskets, which the barge had taken from them, and it was brought to them: this was after the Ruby had been surrendered. I have not fished any, within five to six miles of the land this year. There is no fishing ground nearer the shore, nor any object in going near shore, except for wood and water.

ROBERT SMALL.

Sworn to before,

ETHER SHEPLEY.

November, 5, 1824.

Paul Johnson, Junr. master of the Schooner Sally, of Eastport, on oath declares, that he sailed, the thirteenth day of May last, fitted out for the fishery on the Labrador Coast, and proceeded on the voyage; on the 4th of June, the wind being east, and weather coming on thick, thought it prudent to make a harbor and ran into Shelburne, on the south side of Nova Scotia, and anchored, and was boarded by a boat from the British armed Brig Dotterel; was asked what business I had there? I told him was bound to Labrador and thought I had a right to make a harbor. The Sally was then ordered under way, and carried alongside the brig, and an officer came on board and searched us, was told I had broken the treaty; and should be detained. The next morning my whole crew were taken out and put on board the Dotterel, and my vessel was manned from the Dotterel and sent on a cruise to Cape Negro Harbor, about nine miles, there several small vessels were boarded from us, continued there two days, then got under weigh and proceeded back to Shelburne and anchored along side the Dotterel. The captain then sent for me to come on board the Brig; went on board, was asked if I was master of the Sally—answered that I was. He said he did not know but my vessel would be condemned if he carried her in, but he should let me go, was told I must pay for my men's rations while they were on board the Dotterel, and I sent

on board the Dotterel fifteen pounds of pork and eighteen pounds of bread, and then took my men on board again and proceeded on my voyage. PAUL JOHNSON, Jun.

November 5th, 1824.

Sworn to before
ETHER SHEPLEY.

I, Hebbert Hunt, skipper of the schooner Galleon, of Lubec, and Daniel Joy, Jr. Nehemiah Small, John Hunt, hands on board, on oath, testify and say, that we sailed, in said schooner, from Lubec, the first day of July last, fitted out for the fisheries, and proceeded for the fishing ground near Grand Menan Bank, being on the passage, and six miles distant from the southwest head of the Island of Great Menan, the Provincial Revenue Cutter, Mr. McMasters master, came down upon us and fired upon us; ordered us under his lea. We hove too under his lea; he sent his boat aboard; demanded the papers, which were delivered; searched the vessel, and then dismissed us, saying we might proceed on to the banks. We then proceeded to the bank, and continued to fish fifteen days on and near the bank from fifteen to eighteen miles distant from the land; then, being in want of water, having lost part of our water by injury accidentally happening to one of the casks, and being also in want of wood, found it necessary to make a port to obtain wood and water; ran for the Island of Grand Menan, and made it a little to the north of Woodward's Cove; obtained our water, and then proceeded to the mouth of Beale's Passage to obtain wood, being unable to obtain it where we did our water, and there obtained a boat load of drift wood; towards night, being below eating our only meal for the day, having neither wood or water to cook before, were boarded from the barge of the British armed brig Dotterel; was asked where the vessel belonged; our papers were demanded and delivered, and the vessel was immediately ordered under way. The skipper stated to the master of the barge that he came only for wood and water; that he had not fished any near the land, and thought he had done nothing which he was not authorized to do by the treaty. The master of the barge said, what is the use of talking about the treaty—damn the treaty—I did not come here to learn my lesson—I learnt it before I came. One of the hands, named Joy, was threatened to have his mouth gagged with the pump bolt for conversing with some of the crew of the barge, and was sent on shore on White Head Island; the vessel and remainder of the crew were carried to St. Andrews; the vessel was afterwards sold at St. Andrews; the crew were turned out of the vessel, and every thing detained but our wearing apparel. The loss to the owners and crew has been as much as one thousand dollars.—We have been on board of the schooner during all the time she was employed this season, until taken, and do positively aver that we have not fished, at any time, within more than six miles of the land, and have not, at any other time, been within any British harbor.

We also testify that, about the middle of June last, being on the gravelly ground about nine miles southeast of the island of Grand Menan, Jacob Winslow came on board of us from the schooner Pilgrim, to borrow an anchor, stating that they had lost their anchor; having broken one anchor, could not lend him one. The next day, the Pilgrim being at anchor about half a mile outside of us, and more than nine miles from the land, soon got under way to go home and obtain an anchor; and, having passed us nearly a mile toward the land, a tender to the Dotterel came down upon her, and fired upon her, and took possession of her, she then being eight miles to the southeast of Grand Menan. The same day, about an hour after, the tender took possession of the schooner Hero, of Dennisville, Clark master, she being, at the time, about a mile outside of us, and ten miles south east of the Island of Grand Menan.

HEBBERD HUNT.
NEHEMIAH SMALL.
DANIEL JOY, Jr.
JOHN HUNT.

Sworn to before

ETHER SHEPLEY.

November 5th, 1824.

John G. Faxon, of Lubec, on oath declares, that he was the owner of the Galleon, when she was captured by a barge of the brig Dotterel. On or about the seventeenth day of July last, the Galleon having been captured, and lying in Snug Cove in Campo Bello I went on board of her, to learn the reasons of her capture. The Master, Jones, informed me, that he had no other reason for the capture, than finding her in a British Harbor in Grand Menan. I then asked him, if he was not aware that we had a right to go in for wood and water; he said he knew we had that right, but his orders were such, that he was obliged to take all, whether in for that purpose or not. I asked if he had known, or suspected my vessel had fished near the land. He said, he never had. I then asked him, if he had not reason to believe they were in want of wood and water, when they went in. He said he had, for the wood and water was on deck, not stowed away, when he took them. I then asked him, how long he supposed they had been lying at anchor. He said the men told him, three quarters of an hour, and he had no reason to believe otherwise. I then said, by your own statement you ought not to have taken her. He said, he should not have taken the Galleon, if he had not before taken the William, and should have let her go, if he could have done it, without excusing the William. He then said, as I have them thus far, I must carry them to St. Andrews; but I give you my word, your vessel will not be detained two hours. I then rehearsed that part of the treaty to him, authorizing our vessels to go in for wood and water. He said they were authorized to take all vessels within three miles of the

land. I afterward heard the orders given by the Captain to Jones, read: they directed him very nearly, and I believe, exactly as follows:

"You will consider your cruising ground to be the Menan Islands, Campo Bello, and the Island of Lubec. You will take all American fishermen found within three miles of the land except in extreme cases of distress, and carry them to St. Andrews, there take an inventory of the articles on board, and deliver the same to the Custom House."

JOHN G. FAXON.

Sworn to, before ETHER SHELPEY.

November 6th 1824.

I further state that I sent an attorney to St. Andrews, to ascertain the expediency of defending the vessel: that I learnt through him, that I must first give a bond of seventy pounds to pay costs. That the costs must be paid by me whether the defence was successful or not, and that there was little prospect of obtaining a decree of restoration without having an appeal entered; and that the expense attending the trial would probably exceed the value of the property; and therefore declined making any defence.

JOHN G. FAXON.

Sworn to, before me,

November 6th, 1824 ETHER SHEPLEY.

I, Jones Wass, of Addison, in the state of Maine, testify, and say, that I was master of the schooner Rebecca, of Addison, of the burthen of about twenty-seven tons: that I sailed from Addison on the first day of July, 1824, in the said schooner, fitted out for the fisheries; that I proceeded in said schooner, and made the "Mar Ground," about fifteen miles south east of the Island of Grand Menan, the same day, and anchored the next morning; caught a few quintals of fish: it came on to blow fresh, and I went in and anchored about half-a-mile from land, under the Island of Grand Menan: went on shore in a boat, with a barrel, and obtained a barrel of water, for which I went to the Island; and having put the water on board, got under way, and standing off to the fishing ground, perceived the barge of the British gun brig Dotterel giving chase, and continued to proceed on the same course, the barge still pursuing till evening, it being about 5 o'clock, P. M. when we left the Island; the barge firing a number of times: at dark we lost sight of the barge, being then near the Nova Scotia shore; then returned partly back to the fishing ground, and hove to under the foresail, and the next morning came in and anchored at Gull-cove in the Island of Grand Menan, where were six other American vessels; got under way again an hour after sun-rise, and stood out to sea; the wind blew so fresh that we could not anchor on the fishing ground that day, and we returned and anchored again at Gull-cove. The next morning, being the fourth of July, got under way and

proceeded to the fishing-ground first mentioned, and on Monday, the fifth, continued on the Mur Ground, fishing; on Tuesday, the sixth of July, in the morning, the wind blowing fresh, we hove up and laid to under her foresail, and about 8 o'clock, A. M. weather being thick, and nearly out of wood, went into or near Gull-cove. About 10 o'clock, the barge came alongside, all hands being employed in dressing fish, and ordered us under way, and said he was going to carry us into St. John's; demanded my papers, which were given up. I declined navigating my vessel by order from the barge, and the master of the barge directed his own crew to get her under way, which was done. We were carried to St. John's in the Rebecca, and put us ashore, and we made the best of our way home, leaving the vessel. She now lies at the wharf in St. John's. No libel or proceedings have ever been instituted against the Rebecca, that I can learn; and have learnt from the collector of the port of St. Andrews, that, a few days since, she had not been libelled. The Rebecca was owned wholly in Addison, by Wilmot Wass, Lemuel Wass, and myself. The place in Grand Menan, called Gull-cove, had been formerly pointed out by the British authorities on the Island, as well as on the water, as the place where we should be permitted to anchor and throw the "gursy" overboard. The loss to the owners must be at least seven hundred dollars.

JONES WASS.

November 1, 1824.

Sworn to before me,
ETHER SHEPLEY.

I, John Wright, on oath, declare, that I was mate on board of the Rebecca, and that all the facts, above stated, in the affidavit of Jones Wass, which have been read to me, are true.

JOHN WRIGHT.

November 1, 1824.

Sworn to before me,
ETHER SHEPLEY.

I, Charles Tabbut, on oath declare, that I was master of the schooner William, of Addison; that I sailed on or about the 27th day of June, 1824, fitted out for the fisheries, and proceeded to the fishing ground on and near Grand Menan bank, and continued to fish from fifteen to eighteen miles distant from Grand Menan, until the thirteenth day of July; and, on the fourteenth, having lost some of our water, found ourselves in want of water, having only half a barrel on board, and that too bad for use; then ran into Grand Menan for water, that being the only place, as the weather then was, where we

could obtain it; and on the fifteenth anchored at Gull Cove in Grand Menan; had been at anchor about ten minutes, when we were boarded from the barge of the British armed brig Dotterel, the papers were demanded, and delivered, and the men from the barge were ordered below to search for arms—found two muskets—took the arms, and knives. I asked the master of the barge what he was going to do with us? He answered that we had been damned saucy to the inhabitants. To which I replied, that I had never been ill used by the inhabitants, nor ill used them; I had never before been into the land, and could not have used them ill. The master of the barge then threatened to cut me into ounce pieces, to lash me to the deck, and to gag me with the pump bolt, or pump brake; the vessel was then got under weigh, carried near shore, and moored, and stripped, the boat taken away, and we were left on board the vessel, thus stripped, and deprived of the boat, and without water, and lying in a dangerous place. The master of the barge said if we called a boat, or landed, or made any noise, he would shoot us. He passed us several times, and I called to him and asked for water; he answered that he would come to our assistance, but did not. Despairing of obtaining any from the barge, I called to the master of an English vessel, who aided me with a boat to go on shore and obtain a little water; I went, and obtained a few gallons. The next morning, the master of the barge came on board again, and carried the vessel to St. Andrews, and reported to the collector there, that we were found in Grand Menan, in want of neither wood or water. After endeavoring to obtain a release of the vessel, without success, was ordered to leave the vessel, and did leave her. I asked the master of the barge how he could detain my vessel contrary to the treaty? He damned the treaty, and them that made it. The vessel was owned by William Wass, and William Nash; she was libelled, deemed forfeit, and sold, no person appearing to claim her; and the reason that no person claimed her was, that the costs and expenses, attending it, would be as much as the vessel was worth; the loss to the owners and crew, must be near two thousand dollars.

CHARLES TABBUT.

November 2, 1824.

Sworn to, before
ETHER SHEPLEY.

I, Josiah W. Perry, on oath declare, that I was a hand on board the schooner William, that the facts, as stated by Charles Tabbut, are wholly true, the same having been read to me.

JOSIAH W. PERRY.

November 2, 1824.

Sworn to, before
ETHER SHEPLEY.

I, Christopher Wass, on oath declare, that I was managing master of the schooner Sea Flower, of Addison, my son being master, and sick on shore, and the vessel having, during the previous part of the season, been employed in the fisheries, and sailed on the twentieth of September, on the Grand Menan Bank, and continued there fishing on Tuesday and Wednesday; and about eight o'clock, P. M. Wednesday, blowing fresh from the west, hove up the anchor and laid to under the foresail. The wind, during the night, drew into the northwest and blew very heavy, and split her foresail; reefed the sail above the rent and set it again, and laid till day-light; then stood to the northward and eastward, and made the southwest head of Grand Menan, bearing north by east; made the Mur Rocks, and obliged to go between them, and fetched in to Kent's Island near Grand Menan, being Thursday morning. Friday and Saturday blowing fresh and storming, could not mend our sail. Sunday continuing to blow fresh, laid still. Monday went out on to the outer part of the rips, five or six miles from the land; caught a few fish, and continuing to blow so that we could not anchor, came in and anchored again at Kent's Island. Tuesday went out to the rips again, still blowing fresh and raining, and heavy sea from the eastward, could not anchor, caught only a few fish, and in running in carried away our fore-shrouds; hauled down the foresail and ran in to the same harbor again. Wednesday morning was boarded from a tender to the British armed brig Dotterel; papers were demanded and delivered; asked what business we had there; and was answered that we were riding out the gale with both anchors ahead. The master of the tender, after much entreaty, consented to give up to us most of the fish and salt, and next morning set all hands on shore at Kent's Island, and carried the vessel to St. Andrew's where she now lies. No proceedings have been instituted against her that I can learn. She was owned wholly by me; and my loss will be as much as seven hundred dollars. I have never heard of any complaints against the vessel, other than that she was found in the harbor, and was accused of going in too frequently during the last few days.

CHRISTOPHER WASS.

November 1*st*, 1824.
Sworn to before
ETHER SHEPLEY.

I, Jones Wass, was mate of the Sea Flower at the time abovementioned, and have heard the affidavit, signed by Christopher Wass, read; and, on oath, declare the facts therein stated are wholly true.

JONES WASS.

November 1*st*, 1824.
Sworn to beforeETHER SHEPLEY,

I, Joel McKinsey, on oath, declare that I was a hand on board the boat Rover, of Addison, fitted out for the fisheries; that we sailed the first part of the month October, 1824, and proceeded as far as Little River, where we lay about nine days wind bound, and caught some herring; went out on Friday morning for the Seal Islands, but finding the wind unfavorable, concluded to proceed to the southwest head of Grand Menan, and laid to six or seven miles from the Island to the westward, fishing; while lying in this situation, a tender to the British armed brig Dotterel passed between us and Grand Menan eastward, and went round the point of the island out of sight; we continued fishing, and drifted nearer to the island, and the tender, about the middle of the day, returned and fired a gun toward us, we being then to the westward of the island, and distant from it four or five miles; the tender came up and spoke to the skipper of the boat, and asked him what business he had there; he answered, that he had a right to fish there, for he was in our own waters; our papers were taken, and we were ordered to follow the tender, and followed her into Seal Cove, in the western end of Grand Menan; where we were sent on shore, and the boat started for St. Andrews. The boat was owned by William Nash. The loss to the owner will be about two hundred and fifty dollars.

JOEL McKINSEY.

November 3*d*, 1824.

Sworn to before

ETHER SHEPLEY.

I, Otis Bryant, of Jonesborough, on oath, declare, that I was skipper of the boat Escape, of Jonesborough, belonging to Jeremiah Smith, and sailed the forepart of October, fitted for the fisheries; proceeded to Little River, and wind being ahead and blowing heavy, could not proceed on to the fishing grounds, and remained in Little River eight days, and then proceeded toward the island of Grand Menan being from three to four miles distant from the south west point of the island, the tender of the British armed brig Dotterel came down upon us, and fired at us, and put a man on board, and directed us to follow; took the papers and carried us into Seal Cove, in Grand Menan. The next morning we were directed to leave the boat and go ashore, and did so; the boat started for St. Andrews. The loss to the owner and crew must be two hundred and fifty dollars.

OTIS BRYANT.

November 2, 1824.

Sworn to before

ETHER SHEPLEY.

Moses Smith, on oath, declares, that he has attended to and heard read the statement signed by Otis Bryant, and being a hand on board the boat, knows the facts therein stated are true.

MOSES SMITH.

Sworn to before

ETHER SHEPLEY.

November 3, 1824.

I, Jacob Winslow, of Dennysville, being a hand on board of the schooner Pilgrim, of Dennysville, James Woodward master, sailed from Lubec about the 11th day of June last, and proceeded on to the outer grounds of the Island of Grand Menan, and began to fish the 14th, being then from 10 to 12 miles distant from the Island—wind blowing fresh, and tide strong, broke an anchor, and struck adrift—got under way, and dressed one fish. The next day went on board of the Galleon, Hunt, to borrow an anchor, and could not obtain one; next morning anchored on the ground called the gravelly bottom, near the schooners Galleon and Hero, and distant from 8 to 10 miles from the Island, caught from 10 to 12 quintals of fish, and then struck adrift—then, finding ourselves unable to work to advantage with one anchor, and that a light one, concluded to go home to get one; about half an hour after, a vessel from the southeast came down upon us, and fired several times, came on board, and proved to be a tender to the British armed brig Dotterel, demanded, and took our papers, and took out two of the hands, myself and Benjamin Scott, and put us on board the tender; asked us what we were doing there, and answered had been fishing; master of the tender said we had no business to fish there in British waters, and would make us smart for it this year; he asked me what land it was in sight; said he had never seen it before; was told it was the Island of Grand Menan; asked if there was any harbor into which I could pilot him, and being informed there was, asked me to pilot him in, which I did; before was carried in, master of the tender asked what vessel was ahead of us, told him did not know; he said he would know, and bore down upon her, directing the Pilgrim to follow; he ordered a marine to fire upon the vessel, and he fired several times; soon came up with her, and she proved to be the schooner Hero, and boarded her; inquired why they did not heave too at the first fire; master of the Hero answered him, that no colors were shewn, and he did not know that any thing was wanted of him; the papers of the Hero were then demanded, and delivered, and two men taken from her and put on board the tender, and two of the tender's men put on board the schooner; the tender was then piloted into a harbor by me, taking with her the Pilgrim and Hero; master of the tender inquired if there was any custom-house officer of His Majesty on the Island; being informed there was not, then asked if there was any other King's officer, and was told there was not, except a pilot; then went ashore, and examined till about 11 o'clock at

night, when, with difficulty, he came aboard again, and was very violent; laid there three days, then got under way, and went up to the Wolves Islands; and went ashore; tarried there a short time, then asked me to pilot him into Beaver harbor; there ordered all sails of his own and the two other vessels unbent, and carried on shore; then asked him to permit me to go home, as I had done before, but he refused; told him, would give him a bill of sale of the boat if he would let me go, she being mine, but he declined; I complained of hard treatment, and he threatened to shoot me, and to tie me; next morning directed sails brought on board and bent; got under way, and beat out of the harbor, bound, as he said, to St. John's; saw a vessel, and inquired if had seen an armed brig, being answered that had seen her at St. John's, we returned to Beaver harbor, and tarried that night, then started again for St. Johns; beat up about half way to St. John's, and anchored in a place called Mason's Bay in the evening; about 10 o'clock the cockswain came on board the Pilgrim, I having been previously sent on board of her to sleep, and brought a pint of rum, and ordered men to keep a strict watch, and left us; as soon as the lights were out on board the tender, one of the men on board of us from the tender being below asleep, the other one proposed going away with the Pilgrim to the United States. We soon got the Pilgrim under way, and started for Lubec. The man who was below asleep then came on deck, and asked where we were going. I told him to Lubec. He told me as there was but little wind, he thought we should be caught; and had better go back. I said we would keep out of their reach. He said, if taken, they would shoot him; and then went below, and soon came up with two cutlasses, and said he would split any man's brains out in the King's name, that offered to resist him. This it was advised that he should do, to clear him from harm, in case we should be taken; he having agreed, before we started, to the adventure; and he ordered the man to desist who was rowing, then knocked off Captain Woodward's hat. I then went and took one of the sword's from him, and the other he laid down, and went below. We came on home to Lubec with the vessel, obtained an anchor, and in four or five days after sailed again on to the bank of Grand Menan, fifteen miles or more distant from the Island, and continued there fishing four or five days; one of the men who came from the Dotterel still continuing with us, by his own desire. Was informed that the schooner Hero, an American vessel, which had been captured, was fitting out and armed by the British to take me; saw the Hero, soon after, boarding several vessels, and got under way and went up to Mount Desert, and fished there four or five weeks, and then returned to Dennysville, and washed out our fish, and eight days after sailed again, and went on to Marblehead Bank, so called, and began to fish: the island of Grand Menan bearing north northeast, eighteen leagues distant, and continued to fish there six or eight days; then stood in to Grand Menan bank, being five or six leagues distant from the island, and anchored, and laid to, being Sunday, and all turned in. Soon the brig Dotterel came upon us, and sent a boat with five men on board, with cutlasses

drawn—inquired for Martin, the man who had come away with us, and continued to fish with us. I told him I did not know—believed he had gone to Boston; asked me if I was skipper of the vessel, and answered I was in place of one; asked for the papers, and I declined delivering them; told him they had one set of her papers; was told to get into the boat and go on board the brig, and did so. They then got the Pilgrim under way; the captain of the Dotterel asked my name; was told it; said he had got a pretty good history of my character; told him I had not robbed any body, or killed any one, or stole any thing; he asked for Martin; was told I did not know; believed he had gone to Boston; then said to him if you are going to keep the vessel, if you will put me on board one of these fishermen, that I may go home, shall be much obliged to you Home! said he; yes; if you want to go home, I will carry you home to Halifax, where I will have you tried and hung. I asked him to let me go on board the Pilgrim and get my clothes. He said no, damn you, you shan't have any clothes; asked again for my clothes, and was permitted to go and get them; asked him if he was to give me any thing to eat; he said no; asked him if I should fetch some provisions from my own vessel, and how much; he said fetch a week's provision; went aboard the Pilgrim, and was putting up some provision, when Jones, who was on board, and had command of the Pilgrim, called me up; told him the Captain told me to get some provision, but he would not permit me to get more than twelve or fourteen biscuit, and four or five pounds of pork; was ordered to get into the boat and go on board the brig. By this time they had searched in the hole of the vessel, and found Martin hid there, and put him in the boat. When we went on board the brig, found five or six marines, with muskets and fixed bayonets. They took Martin and carried him below. I was sent aft, and kept there, guarded by marines, till eight or nine o'clock in the evening. Soon after, was sent down the after hatchway, and shackles put upon my ancles, and a large bar of iron put through them and fastened to the deck, and an old sail, with the ropes in it, given me to lie on; and thus I was kept four days, then took out and carried me under guard upon the quarter deck, where I found the officers paraded. Captain charged me with threatening their men's lives, and threatening to throw them overboard; I told him I had done no such thing; he said Paine (who was the man on board the Pilgrim that came up with the swords) had told him so, and that I would have done so unless I had been prevented by Scott, one of my own men. I told him I could not have used a brother better than I did Paine. Captain then said if I would tell him where the Ruby and Reindeer were, would let me go with my vessel. Told him did not know, and if I did would not tell him.—We had now arrived at Halifax—asked the Captain what he should do with me—he said I should be carried to St. John's and hanged. Asked him for something to eat, telling him my own provisions were all gone—he said I ought not to have any thing to eat. The next day I asked him again for something to eat, having had nothing—said he had not yet

seen the Admiral, and I could have nothing till he had seen him. I then told him I had robbed no one, was no pirate, but thought he was; for if I was to be put to death he should do it like a man, and not starve me to death—told him I wished to go ashore and be put in prison. On the fourth day after I made application for food, and had none for all this time, was taken on deck, told I was to go to St. John's to be hung, and two-thirds of a sailor's allowance given me, and continued this way sixteen days, and then came out and came on to the banks of Grand Menan; and the next morning made a harbor in New Brunswick: then went to St. John's, and Captain went on shore, and came back, and sent the Pilot down to me, who told me to go to the Captain and tell him that you will give him a bond for sixty dollars to bring the vessel to St. John's, and he will give you an order for her, and you take good care not to fetch her here. I went up, and Captain said, I suppose you want to go home, don't you? I answered yes. I suppose if you went home you would give me a pretty name, would you? Told him I would give him no worse name than he deserved. Then asked if ever I was in jail there. Told him no. He said I should be before night. Told him I should prefer that to being on board. He then told me if I had any friends in St. John's that would give him a bond for forty dollars, I might go to Halifax and get my vessel, and bring her to St. John's. I went ashore in his boat, procured a bond, and brought it to him; then told me I must not give him a bad name, but be thankful that he had let me go and given me my vessel; took the bond for forty dollars to deliver the vessel there in thirty days, and gave me an order for my vessel—said, you will take care, I suppose, not to come with her. Told him thought I should. I then quit his vessel, and came directly home. The vessel is still at Halifax, I suppose. I have not been after her.—The above is a true history of the whole proceedings of the Pilgrim this season. I have been in her all the time. She has never been in any British harbor except where mentioned, nor fished in any other place than is above stated.—The loss of property is one thousand dollars.

JACOB WINSLOW.

November 5, 1824.—Sworn to before

ETHER SHEPLEY.

William Howard, aged fourteen, on oath declares, that he, with two other boys, aged seventeen, and thirteen, last August took a small boat belonging to Mr. Thomas Brown, the boat having about fifteen feet keel, and went down the bay a fishing, and passed by the little island called the Thumb-Cap, about half a mile, and fished there about an hour and an half; then went towards Casco Bay Island, and fished perhaps three quarters of an hour—then started to come home; got up to Friar's Bay, in Campo Bello, and the Dotterel hailed us; we went up, and on board the Dotterel, and they took our boat and moored her alongside, kept us until next morning, and then set us on

shore on Campo Bello; they have detained the boat and usedher, and still do, as a boat for the Dotterel. Have often seen the boat passing in the waters with the Dotterel's men. We went out for pleasure fishing, and to get a fresh fish for our own use. William Howard is an apprentice to a blacksmith.

WILLIAM HOWARD.

November 6, 1824.

Sworn to, before
ETHER SHEPLEY.

Benjamin Newman on oath declares, that he has heard the statement signed by William Howard read to him, and that the facts therein stated, except so far as they relate to the use of the boat by the Dotterel, are wholly true.

BENJAMIN NEWMAN.

November 6, 1824.

Sworn to, before
ETHER SHEPLEY.

Thomas Brown on oath declares, that he was the owner of a small boat which William Howard, and two other boys, took and went out to fish in; they came back without the boat, and said she was taken from them by the Dotterel. I went to St. Andrews to find her, and asked one of the officers of the Dotterel to let me have the boat, but was told I could not have her. I then applied to Mr. Dunn, the Comptroller of the Customs at St. Andrews, to get him to intercede with the Captain of the Dotterel for the boat; he answered me that he could not, that no report of such a seizure had been made to him; that the Captain was a bad fellow, and had the day before insulted the custom-house. I returned without the boat—have since observed her to be used by the Dotterel's men, and believe she is still in use as a boat to the Dotterel. She cost me about twenty-two or three dollars, with the apparatus.

THOMAS BROWN.

November 6, 1824.

Sworn to, before
ETHER SHEPLEY.

I, Elisha Small, master of the schooner Ruby, of Lubec, on oath testify and declare, that I sailed the eighth day of July, fitted out for the fisheries, and went on, and near to, the Grand Menan Bank, and continued there to fish sixteen or seventeen days; then ascertained that our wood and water were expended; the wind blew heavy from the north, and after attempting, without success, to gain the American shore, put in to Grand Menan, in Two Island harbor, to procure wood and water; this was the twenty-fifth of July, in the afternoon,

and laid there till the next morning, having obtained my wood and water; and by five o'clock next morning, got under way to go out of the harbor; soon saw the barge of the Dotterel lying under the Green Islands, and said to the others, we should be taken: the wind died away; we were becalmed, and the barge came down upon us and took us. The Reindeer, the Friend, and the Diligence being near, small lines were passed from my vessel to the Reindeer and the Diligence, I being between them. When the barge came within, say one hundred rods, she fired over our heads, and then a second time near us without speaking us; then came near and ordered the Reindeer to let go her anchor and all to cast apart; the anchor was let go; then he went and boarded the Friend, which lay thirty or forty rods distant; then came again with their arms for action, and ordered us to cast apart, which was done; the reason we did not cast apart at first was, that we did not fully understand the order; then took possession of the Reindeer. I then went on board the Reindeer; he then came and took possession of the Ruby. I asked why he took me; and asked him if I was not allowed to go in for wood and water: he said I was: but it was time I was out: told him I had departed before I had obtained as much as I wanted; I mentioned to him that the treaty allowed us to go in for wood and water; he said he did not care a damn for the treaty, every vessel he caught within three miles of the land he would make a prize of; he took out the crews and put my crew on board the Diligence, and the Reindeer's crew on board the Friend, and told the Friend and Diligence they might go: put a Midshipman and three men on board the Ruby, and directed them to follow him to St. Andrews, he being on board the Reindeer. We beat up round East Quoddy, and got up opposite Indian Island when the Diligence and Madison came upon us. The Diligence came upon the Ruby, having her own crew and five of my crew, and two men from Eastport, twelve in all, on board, armed with muskets, and hailed us and told us to give up the vessel. I told the Midshipman I would go below, he asked me not to, said he would give up the vessel; he gave up the vessel; the Diligence took possession of her, and the Midshipman and his men went on board the barge. The Ruby was brought in; the crews of the three vessels which were connected in Two Island harbor were never collected on board of my vessel, she being the middle one, with muskets and fish spears; nor was there any such show of resistance made, or any such collection of men on board of either vessel. When the vessels were retaken, there was not a gun fired till after they were both retaken, and then only by way of rejoicing. They gave out that they would have the Reindeer and Ruby if they had to burn Moose Island; I did not, therefore, think it prudent to trust her at sea again. The loss to the owner and crew will be five hundred dollars.

ELISHA SMALL.

November 6th, 1824.

Sworn to before ETHER SHEPLEY.

I, Benjamin Small, on oath declare, that I was a hand on board the schooner Ruby when she was taken by the Dotterel; that the statement of facts signed by Elisha Small has been read to me, and I know all the facts to be true which are related to have taken place before I came away in the Diligence. We came in the Diligence direct to Eastport; I went to Elisha D. Green, of Eastport, and told him I wanted ten muskets, it having been agreed between the Ruby's crew and the Diligence crew that we would retake the Ruby, he and another gentleman obtained for us seven muskets; and the two clerks in Green's store, one named Howard, and the other Fields, said they would go with us; they went on board with me; there being then twelve in all on board, having seven muskets, and two pistols, and two bayonets only, and went down behind Indian Island waiting for them, laid there about half an hour and saw the Madison coming down; she spoke us, and Fields and Howard went on board the Madison, and then returned, having agreed that the Madison should attack the Reindeer, and the Diligence the Ruby; then all went below but three men; ran down and passed the Reindeer, and the Madison approached the Reindeer, and we the Ruby; I hailed the Ruby, and told her to heave to, being only three of us on deck; I hailed again and they did not obey; then the crew came up; then the men on board the Ruby let go the gib sheets and fetched her up into the wind; then our crew, and the two clerks, and James Leighton, Skipper of the Diligence, went on board the Ruby and took possession of her; the men belonging to the barge left her and went on board the barge; we then hoisted American colors, discharged our muskets, and ran into Eastport; no muskets were fired till after the vessels were retaken, and the men belonging to the barge had left them.

BENJAMIN SMALL.

November 6, 1824.

Sworn to before ETHER SHEPLEY.

Benjamin W. Coggins, of Lubec, master of the schooner Friend, of Lubec, on oath declares, that he sailed from Lubec, the 20th of July last, and went on to the fishing ground four or five leagues from Grand Menan. On the twenty-fifth, seeing Small, of the Reindeer, going in, and wind blowing fresh, and water short, followed him into Two Island harbor, anchored there about four o'clock, P. M. went ashore, and obtained what water I could, and got it on board about nine same evening; wind had then died away; I could not get out; at five next morning a light breeze from north west, got under way, and went out in company with the Reindeer, Ruby, and Diligence; wind died away, and vessel floated with the current; barge of the Dotterel soon came upon us; the other three lay together, and barge fired over them; directed one to let go her anchor, and then came to me, asked me what business I had there. I told him I was

becalmed, and could not get out; he said that is a damned pretty answer to give me, when the wind was blowing here a gale all day yesterday. I said yesterday I went to two Island harbor to obtain water. He then directed my sails to be hauled down and my anchor to be let go, which was done; he then left me, and directed the other vessels to cast apart; they did so, and came to anchor: he boarded the Reindeer and took possession of her, and sent her crew on board of me, and they asked him, what if I would not take them? He told them to take my vessel then and go to Lubec. And I then took my boat, and went to see Jones, and asked him if he was going to send me to Lubec with the men? He said he was: and told me he would give me orders when I should get under way: in about half or three quarters of an hour he gave me a signal to get under way. I did so, and after getting out of sight, told the Reindeer's crew that if I could get up to Lubec before they got up, would get some assistance there, and go with the Friend and retake the Reindeer; came up as fast as I could, and my vessel grounded before I got in; then hove out the boat, and Reindeer's crew got into the boat with me and one of my crew, and the Diligence towed us up to Lubec. Then went to the Revenue Cutter, Smith; told him the story, and asked him if he could not go and re take them as they came in by East Quoddy? He said he could not, but gave me a line to the collector; the collector refused to let the cutter go. Then went to the wharf and hailed my brother, who was master of the Madison, and asked him if he would let the Madison go and re-take the Reindeer, if I could obtain a crew; he said he would. I called round to get men to go on board; got four, and two rifles, and two muskets, and two pistols, and powder and ball; took the men on board the Madison and went to Eastport; then, having seven men and four muskets, my brother having the command, when at Eastport hailed the men on the wharves, and asked them to send us two more muskets; they did send us two, and a man came with them: then run down and spoke the Diligence. Mr. Howard and Mr. Fields came on board, and it was agreed that they should board the Ruby, and me the Reindeer. We then ran down for the Reindeer, and they for the Ruby. We boarded the Reindeer first; my brother having charge, and being on deck with one man and one boy, the rest below. Brother hailed him and told him to heave to. Mr. Jones called his men to quarters. Brother told him he would give him five minutes to consider whether to give the vessel up before he compelled him to do so, and run his vessel so near that we could step from one vessel to the other. Jones said, the first man that steps his foot on this vessel shall be a dead man. Brother then called all hands from below: and we went up with our muskets, seven of us, there being only ten men on board, besides two or three boys. Jones then laid his sword down and said the vessel is yours. We put four men on board, and told skipper Small to make his way to Eastport. Jones then went on board his barge with his men. Then brother hailed him: asked him to come on board the Madison and take something to drink, and he did. He then said we were good fellows

for having retaken them; he took them according to his orders, but without any provocation, and was glad we had got them: he then went his way, and we ours. There was no gun fired till after the vessels were re-captured. Mr. Howard is a lad, seventeen or eighteen years old; has never been a captain of any company of militia. I have heard that he was captain of a company of boys, in Eastport, who trained with wooden guns and swords.

On the twenty-ninth of August last, being on Grand Menan Bank, saw the Dotterel take possession of the Pilgrim, she being then about nine leagues distant from the Grand Menan. The Madison was also captured at the same time and place.

The injury to me, by breaking up my fishing cruise, has been five hundred dollars.

B. W. COGGINS.

Sworn to before
ETHER SHEPLEY.
Nov. 6, 1824.

Henry Coggins, on oath, says, he has heard the statement signed by B. W. Coggins, read; is acquainted with the whole transactions on board the Friend, and knows them to be truly stated. Saw the Pilgrim and Madison taken the twenty-ninth of August, on the bank, nine leagues distant from the island.

HENRY COGGINS.

Sworn to before
ETHER SHEPLEY.
Nov. 6, 1824.

November 7th, 1824.

I, Harding Clark, of Dennysville, master of the schooner Hero, of Dennysville, on oath, do testify and say,—That I sailed on the thirteenth day of June last, fitted out for the fishery, and proceeded on to Grand Menan bank, and continued to fish until the sixteenth; then struck adrift in the fore part of the day—made an attempt to regain our ground, but not succeeding, the barge of the brig Dotterel came upon us, fired and boarded us—demanded our papers, which were given up, and took possession of the vessel, she being then from six to nine miles distant from the land.—Two of my men were taken out, and two of his put on board my vessel, and I was directed to follow him.—I did follow and wait his movements for fourteen days, during which time he was employed in boarding vessels.—Was, during the time, in Beaver, and other harbors.—Often asked him to let me and my crew go home, there being opportunities, but was denied.—One of the men being sick, was detained on board the barge, and did duty there, as did the other. At the expiration of the fourteen days, arrived at St. John's—were all there put on board the Dotterel—were detained

there two days, with only one meal of victuals, and then put on shore and dismissed.—Captain told me he had given the vessel up to Custom House—went to the Custom House; was there told he had not.—Asked if I could see the Captain again, and he was sent for, and he came—asked him to give up the vessel, telling him I did not consider her liable to seizure—he said he would think of it—said he wanted her for about a fortnight's cruise, and did not know but he should give her up to me then.—I returned home, and went there in a fortnight, as he desired me. The Hero came in from a cruise three days after I arrived there, having been out cruising thirteen days.—She then took in supplies for another fortnight's cruise, and sailed again the same day, under the command of the pilot of the brig. Saw the Captain, and asked him if he would let me have the vessel, as he had agreed to—he said he had made a new arrangement, and should not let me have the vessel. I came home again and left her. When last at St. John's, I applied to Messrs. Crookshanks and Johnson, merchants of St. John's, to ascertain when she was libelled or proceeded against; and about three weeks ago, received a letter from them, stating that the Hero had not been libelled; but had been employed as a tender to the Dotterel.—The vessel was owned by Manning Clark and myself. The loss is not less than nine hundred dollars. I have not been out before this season—this being the first and only cruise this season.

HARDING CLARK.

Sworn to before ETHER SHEPLEY.

I, William Rumery, of Lubec, testify and say, that I was a hand on board the schooner Madison, of Lubec, fitted out for the fisheries; that we sailed about the 25th of August last, and went on to Grand Menan Bank about twenty-one miles or more from land, and fished till the 29th of the same month; saw a brig bearing down upon us; soon hailed us; asked the name of the vessel; Skipper not being then on board, I answered, the Madison; sent a boat aboard, and ordered all the crew aboard the boat, and carried us on board the brig Dotterel; ordered the Madison under way for Halifax; ordered us under the forecastle deck among the goats and fowls, where we remained four days; gave bread and water to us once a day; arrived fourth day at Halifax, and set us all ashore but Robert Rumery; told us we must get a passage home as we could; we got a passage and came home, leaving the Madison at Halifax, where I suppose she is now. The fish and salt they sold out of her in harbors on the way before they arrived in Halifax. The injury and loss is about nine hundred dollars. I saw Winslow in irons at Halifax.

WILLIAM RUMERY.

November 6th, 1824.

Sworn to before

ETHER SHEPLEY.

I, Robert Rumery, on oath, declare, that I have heard the statement signed by William Rumery read, and know that it is wholly true. I further state, that, after the remainder of the Madison's crew left us, I continued on board the Dotterel sixteen days; my brother William left me a little provision; after that was gone, I had nothing for two days; then had two-thirds of a seaman's ration, except grog; then got under way and came to L'Etau harbor, Deer Island; asked Lieutenant what he was going to do with me; said I should be carried to St. Johns, and put in prison until my trial, and, no doubt, I should be hung; then got under way, and went to St. John's; laid there four days, then was told I might go on shore; went ashore and thence home.

I was a hand on board the Madison when she was going out and met the Diligence and Friend bringing in the crews of the Reindeer and Ruby that had been captured. After learning the facts, we put about and ran into Lubec and anchored. Benjamin Small wanted us to go with them and help take the Reindeer and Ruby, as the Friend had got aground, and Capt. Ansel Coggins, of the Madison, agreed to go, and all the crew but one, and took on board seven or eight others; there were not more than twelve or, at most, fifteen on board; had a number of muskets, but no bayonets; then went down upon the Reindeer; our Skipper hailed them, and told them to heave to; Jones told his men to prepare for action; we hailed a second time, and Jones ordered the fore sheet cast off, and told Robert Small that he might take charge of his vessel and carry her to Eastport. Jones and his men went aboard the barge, having first come on board of us and drank some grog by invitation, and we went to Eastport. No guns were fired till after the Reindeer was retaken, and Jones had left us and gone on board of his barge, and then only by way of rejoicing.

ROBERT RUMERY.

November 6th, 1824.

Sworn to before

ETHER SHEPLEY.

DR. *The United States to Ether Shepley.*

1824.

Nov. 16. To services making inquiry relating to the difficulties between our fishermen, and the officers of the British armed brig Dotterel; travelled 540 miles; took twenty-seven depositions; absent nineteen days, and expenses, - - $250 00

Received payment,

ETHER SHEPLEY.

COLUMBIA, *September 27*, 1824.

SIR: Enclosed is a regular protest, in relation to the capture of the schooner Rebecca, which case, with others, it is hoped, will receive the attention of Government.

Respectfully, your obedient servant,
STEPHEN EMERY.

Hon. JOHN QUINCY ADAMS,
Secretary of State.

UNITED STATES OF AMERICA.

State of Maine,
Washington, } ss.

Be it known that on the twelfth day of July, in the year of our Lord one thousand eight hundred and twenty-four, personally appeared before me, Solomon Thayer, Notary Public, by legal authority duly admitted and sworn, and dwelling at Lubec, state and county aforesaid, Jones Wass, master of the schooner Rebecca, of Addison, and noted his protest. And now, on this ninth day of September, A. D. 1824, he again appears to extend the same; and with him, also appears John Wright, fisherman, belonging to the said schooner, who, being severally sworn, do depose and say, that, on the twenty-ninth day of June, now last past, they sailed in said schooner Rebecca from Addison, on a fishing cruize on the Grand Menan Banks, and arrived there on Thursday, the first day of July, and commenced fishing at a distance of fifteen miles from land—continued to fish during that day. On the next night, the wind springing up quite fresh, were obliged to run in to Grand Menan for a harbor. Arrived at Duck Island, so called, and anchored at two o'clock Friday morning; went on shore, and obtained a barrel of water, having a half barrel only on board. In about an hour from the time of anchoring, saw an armed boat making towards us; up anchor and stood to sea. The armed boat gave chace, and continued it all the next day, frequently firing muskets at the schooner Rebecca. As soon as it came on dark she lost sight of us, we were then near the Nova Scotia shore. We then put back to Grand Menan, and arrived there the next morning. Immediately made for the fishing banks, and continued to fish there that day. At night, the wind blowing quite fresh, run in for a harbor. The next day, being the fourth of July, and Sunday, went on to the banks and anchored; the next morning commenced fishing, and caught twenty quintals. The following night, wind fresh, hove up, and laid to under our foresail until morning; then run into Bucks rock, so called, near Grand Menan, to procure wood, and to dress our fish. In about half an hour after we arrived, the same boat that had chased us on Friday, came upon us, and took forcible possession of the Re-

becca, and her papers, ordered her underweigh, and took her to the city of St. John's, and stripped her.

The declarants further say, that during said cruize, they did not fish within from twelve to fifteen miles from Grand Menan, nor run in near the land, unless to get water, purchase wood, and from stress of weather.

The said Jones Wass, for himself, saith, that, on the seventh day of September, now current, he left the city of St. John's, where he had been to solicit the liberation of the said schooner Rebecca, but that said schooner had not then been libelled for trial, and that he was told by Charles J. Peters, the Judge of the Vice Admiralty Courts for the Province of New Brunswick, it was uncertain when she would be.

Wherefore, they do protest, and I, the said Notary, in their behalf, do solemnly protest, against said armed boat, against pirates, and the wanton abuse of power by armed boats on the high seas, under pretence of authority; against being deprived of rights, confirmed to American fishermen by the convention with Great Britain of 1818, and against winds, seas, and tides, and whatsoever else may have caused the capture, and wanton detention, of the said schooner Rebecca, of Addison.

JONES WASS,
JOHN WRIGHT.

In faith whereof, I have hereunto affixed my seal, and subscribed my name, the ninth day of September, A. D.
[SEAL.] eighteen hundred and twenty-four.

SOLOMON THAYER.
Notary Public.

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